

CONSERVATION COMMISSION

LOWELL, MASSACHUSETTS

September 14, 2022

**Note:** These minutes are not completed verbatim. For further detail, video recordings are available at the Pollard Library, second floor reference desk or online at [www.LTC.org](http://www.LTC.org).

**Due to the COVID-19 pandemic, this meeting was held both in person and virtually using Zoom.**

**Members Present:** Chairwoman Varnum, Brad Buitenhuys, Kevin Dillon, Perry Downs, Stephen Laput

**Members Absent:** None

**Others Present:** Francesca Cigliano, Interim Director of Development Services

**CALL TO ORDER**

A quorum of members was present, and L. Varnum called the meeting to order at 7:00pm.

**ORDER OF BUSINESS**

**CONTINUED BUSINESS**

**Request for Determination of Applicability**

Jimmy Nouvong

511 Princeton Boulevard

Lowell, MA 01851

Project Location: 511 Princeton Boulevard, Lowell, MA 01851

A Request for Determination of Applicability has been filed by Jimmy Nouvong to install an 8' x 12' shed within the 100-year floodplain.

Speaking on Behalf:

Jimmy Nouvong

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum said that moving the shed to the front where the cars are would keep it out of the floodplain. She asked what the shed would be made of and whether there would be a foundation. V. Nouvong said aluminum and that there would not be a foundation.

B. Buitenhuys said that the Commission has historically been very strict about putting items within the flood zone. This is right on the edge.

L. Varnum recommends a shed made of vinyl that would collapse into itself in the event of a flood. They are temporary structures.

Staff confirmed that they would work with the applicant to choose a temporary vinyl shed.

Motion:

B. Buitenhuys motioned to continue the item to the 9/28 Conservation Commission meeting. The motion was seconded by P. Downs and passed unanimously, (5-0).

**Request for Determination of Applicability**

Andrew Goddard

327 Davis Street

Northborough, MA 01532

Project Location: 10 Toupi Lane, Lowell MA 01854

A Request for Determination of Applicability has been filed by Andrew Goddard to determine whether there are resource areas subject to the Wetlands Protection Act on site.

Speaking on Behalf:

Scott Goddard, Goddard Consulting

Speaking in Favor:

S. Goddard said that he had not had time to fully digest the peer review. Glad that progress has been made to get the initial review done. Will require responses and additional information. Thinks there were errors in calculations. This was an excellent start to the process. He requests a continuance to allow time to formulate a response to the peer review.

Speaking in Opposition:

Redvers Curry, 60 Newbridge Road

Paul LeLacheur, 17 Toupi Lane

Marie Burns, 24 Newbridge Road

R. Curry discussed how turtles, lady slippers, and deer inhabit the subject property. There is water that runs seasonally.

P. LeLacheur asked whether the peer review comments were available on the website. The Commission confirmed that they were.

M. Burns said that she had forwarded an email with photos. She noted that a realtor had described the site as a pond.

Discussion:

K. Dillon recommended that the neighbors read the peer review comments.

Motion:

B. Buitenhuys motioned and P. Downs seconded the motion to continue the petition to the 9/28 Conservation Commission meeting.

**Enforcement Order**

S&R Corporation  
706 Broadway Street  
Lowell MA 01854

Violation Location: 204 River Road, Lowell MA 01852

An Enforcement Order has been issued at the subject property for dumping fill within 100-feet of the riverfront area on the Merrimack River without Conservation Commission approval.

Speaking on Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

Matt LaBranche, 210 River Road

M. LaBranche described his family history with the subject property. Did not know anything about filling in the gully. Not close with brother. Waste of land. Would look good filled in. Bummed out when he learned it would not be filled in.

Discussion:

The Commission reiterated that they are concerned about the present violation, not past history of the subject property.

Motion:

L. Varnum motioned to continue to the 9/28 Conservation Commission meeting, seconded by B. Buitenhuys (5-0).

**Enforcement Order**

Peter Nolin  
60 Aegean Lane  
Lowell, MA 01854

Violation Location: 60 Aegean Lane 01854

Fill dumping within 100-ft buffer zone to wetlands. This was last heard at the 10/28/2020 Conservation Commission hearing.

Speaking on Behalf:

Peter Nolin, property owner

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum noted that the slope is now stabilized.

Motion:

S. Laput motioned to rescind the Enforcement Order, seconded by P. Downs, passed unanimously, (5-0).

**Enforcement Order**

Adailton Salvego  
52 Cunningham Street  
Lowell MA 01852

Violation Location: 52 Cunningham Street 01852

Building and storing large machinery and other materials within the 100-ft buffer zone to bordering vegetated wetlands.

Speaking on Behalf:

Adailton Salvego

A Salvego said that the area is now blocked off. He will replace one of the no-trespassing signs.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

K. Dillon motioned to rescind, seconded by P. Downs, passed unanimously, (5-0).

**Enforcement Order**

Jodi Jaillet  
113 Photine Dr  
Lowell, MA 01854

Violation Location: 113 Photine Dr 01854

Driveway paving within the 100-ft buffer zone to bordering vegetated wetlands without permission from the Conservation Commission.

Speaking on Behalf:

Jodi Jaillett, property owner

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

P. Downs motioned to rescind, seconded by S. Laput, passed unanimously, (5-0).

**Enforcement Order**

Leonard DeSousa  
256 Trotting Park Road  
Lowell, MA 01854

Project Location: 256 Trotting Park Road, Lowell MA 01854

An Enforcement Order has been issued at the subject property for storage of gasoline and other contaminants in an open space within 100 feet of a wetland.

Speaking on Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

Casey Phelan, 298 Trotting Park Road

Discussion:

None

Motion:

K. Dillon motioned to rescind the Enforcement Order, seconded by S. Laput, passed unanimously, (5-0).

**NEW BUSINESS**

**Notice of Intent**

Norse Environmental Services, Inc.  
92 Middlesex Road, Unit 4  
Tyngsboro, MA 01879

Project Location: 1514 Gorham Street 01852

A Notice of Intent has been filed by ZR Development, LLC to install retaining walls, drainage, cut trees, grading, and associated utilities within the 100-ft buffer zone of a Bordering Vegetated Wetland for the construction of 6 residential units.

Speaking on Behalf:

Mark O'Hara, Applicant's Engineer

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

The Commission discussed the application and did not have any major concerns.

Motion:

B. Buitenhuys motioned and K. Dillon seconded the motion to close the public hearing. The motion passed unanimously (5-0).

B. Buitenhuys motioned to approve the NOI with Standard Lowell Order of Conditions and the following special conditions:

- 1) Stakes shall be installed beyond the silt fence at a distance of 10-ft. to delineate the 25-ft. no-disturb zone;
- 2) Any trees removed shall be replaced at a 1-1 ratio and shall be planted prior to the end of construction; and
- 3) A landscaping plan shall be approved by the Conservation Commission prior to the start of construction to include native shrubbery along the rear slope.

K. Dillon seconded the motion and it passed unanimously, (5-0).

**OTHER BUSINESS**

8/10/2022 minutes

P. Downs motioned and B. Buitenhuys seconded the motion to approve the 8/10 minutes. The motion passed unanimously, (5-0).

**ADJOURNMENT**

B. Buitenhuys motioned and K. Dillon seconded the motion to adjourn the meeting. The motion passed unanimously, (5-0). The time was 8:30PM.